

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JIMMIE MARSHALL,**

**Plaintiff,**

**v.**

**CIV No. 99-1363 LH/LCS**

**COLUMBIA LEA REGIONAL HOSPITAL,  
NURSE JANE DOE, CITY OF HOBBS,  
CAPTAIN TONY KNOTT,  
SARGEANT WALTER ROYE, and  
OFFICER RODNEY PORTER,**

**Defendants.**

**MEMORANDUM OPINION AND ORDER**

**THIS MATTER** comes before the Court on a motion entitled, “Defendants’ Lea Regional Hospital and Nurse Jane Doe (Iris Goad)<sup>1</sup> Motion for Summary Judgment” (Docket No. 83). For the reasons that follow, this motion shall be **granted**. More specifically, all of Plaintiff’s federal claims against these Defendants shall be dismissed, but the state law claims shall be dismissed without prejudice.

---

<sup>1</sup> Hereinafter, these Defendants will be referred to as the “Hospital Defendants” or simply as “Defendants.”

## **Discussion**

Plaintiff's complaint alleges federal claims that his fourth amendment rights were violated because he was unreasonably searched and seized, and that his fourteenth amendment equal protection rights were also violated. The Hospital Defendants participated only in the blood test of Mr. Marshall. Necessarily, their liability is limited to this procedure.


In a separate Memorandum Opinion and Order, filed simultaneously with this one, this Court has concluded that the blood test violated neither Mr. Marshall's fourth nor fourteenth amendment rights. Accordingly, Mr. Marshall's federal claims against the Hospital Defendants must be dismissed.

Also in the separate Memorandum Opinion and Order, filed simultaneously with this one, the Court indicated that, insofar as the Government Defendants are concerned, it is dismissing all constitutional claims over which it has original jurisdiction, and that it declines to exercise its supplemental jurisdiction over Count V (battery) and Count VI (negligence per se). This same approach will be applied to the Hospital Defendants.

**WHEREFORE**, for the reasons stated above, Defendants' Lea Regional Hospital and Nurse Jane Doe (Iris Goad) Motion for Summary Judgment (Docket No. 83) is **granted**. Specifically, these Counts are dismissed insofar as the Hospital Defendants are concerned: Count I (fourth amendment unreasonable search); Count II (fourth amendment unreasonable seizure); and Count IV (equal protection). Count III (fourteenth amendment substantive due process) was dismissed by earlier order of this Court. The two remaining counts, Count V (battery) and Count VI (negligence per se) are state law claims. As noted above, the Court declines to exercise supplemental jurisdiction over these two claims, and they are hereby dismissed without prejudice. All counts against all Defendants have

now been dismissed. The case is hereby dismissed in its entirety.

**IT IS SO ORDERED.**

---

**UNITED STATES DISTRICT JUDGE**